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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Crawford *et al.*

Patent No.: 5,918,055

Issued: June 29, 1999

For: *Apparatus and Method for  
Managing Digital Resources  
By Passing Digital Resource  
Tokens Between Queues*

Attorney Docket No: 61232-0036-US

REQUEST TO RETROACTIVELY GRANT PETITION UNDER 37 C.F.R. § 1.47(a) AND  
SUBMISSION OF NEWLY EXECUTED DECLARATION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
FEB 24 2005  
OFFICE OF PETITIONS

Sir:

A petition under 37 C.F.R. § 1.47(a) was filed with the United States Patent and Trademark Office on November 3, 1997 in regard to the above-referenced issued patent. However, upon reviewing the file, Applicant realized that the petition was never addressed and a formal decision was never given by the PTO while the patent application was still pending.

After a telephone conversation with Mr. Cliff Congo of the Office of Petitions, Applicant was instructed to provide a new declaration executed by the signing inventor with citizenship information of the non-signing inventor. Mr. Congo informed Applicant that the PTO would retroactively address the previously filed petition once the aforementioned item is submitted. Accordingly, Applicant encloses herewith a copy of the newly executed declaration signed by one inventor, Henry J. Crawford. This declaration also includes, as requested the citizenship of the non-signing inventor, Volker Lindenstruth. Applicant also encloses a copy of the previously filed petition and the corresponding stamped return postcard. Applicant, therefore, respectfully requests that the petition be considered and retroactively granted.

The Commissioner is hereby authorized to charge any required fees to Morgan, Lewis & Bockius LLP's deposit account no. 50-0310 (order no. 61232-0036-US). A copy of this sheet is enclosed for such purposes.

Date: February 18, 2005

Respectfully submitted,

  
David R. Owens

40,756

(Reg. No.)

**MORGAN, LEWIS & BOCKIUS** LLP

2 Palo Alto Square

3000 El Camino Real, Suite 700

Palo Alto, California 94306

(650) 843-4000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
CRAWFORD and LINDENSTRUTH

Serial No. 08/795,592

Filed: February 6, 1997

For: *Apparatus and Method for Managing  
Digital Resources by Controlling  
Tokens Associated with Digital  
Resources*

Attorney Docket No. A-63739/WSG

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FEB 24 2005

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.47(a)

Assistant Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

The undersigned attorney makes this petition on behalf of The Regents of the University of California, a California Corporation, (hereinafter "The Regents"), assignee of the subject application. The undersigned is empowered to file this petition and the accompanying declaration on behalf of The Regents pursuant to the Power of Attorney filed herewith.

One of the inventors has signed a declaration and assignment for the captioned invention. The recalcitrant inventor, Volker Lindenstruth, has refused to sign a standard declaration and standard assignment. The standard declaration and standard assignment are of the form and content used by The Regents in its patent applications. The other co-inventor, Henry J. Crawford, executed the standard declaration and standard assignment. The recalcitrant inventor has insisted on material alterations to the standard declaration and standard assignment. The Regents have determined that the material alterations to the standard declaration and standard assignment limit or jeopardize their rights in the invention. Thus, Volker Lindenstruth's position is tantamount to a refusal to join in the prosecution of the captioned patent application.

The accompanying declarations will more fully establish the pertinent facts in this case. Namely, it will be shown that Volker Lindenstruth invented the subject matter of this application while employed by The Regents, is obligated pursuant to his contractual obligation

with The Regents to assign to the Regents any of his rights to any inventions made in the course of his employment, and in violation of his contractual obligations, has refused to cooperate in the prosecution of this application.


The present residential address of the recalcitrant inventor is as follows:

Volker Lindenstruth  
8754 Terrace Drive  
El Cerrito, CA 94530

The granting of this request for acceptance of this application under 37 C.F.R. § 1.47 is respectfully requested. A fee of \$130 pursuant to 37 C.F.R. § 1.17(h) is enclosed herewith.

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP



By:

\_\_\_\_\_  
William S. Galliani  
Registration No. 33,885

4 Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187  
(650) 494-8700



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Flehr Hohbach Test

Albritton & Herbert LLP File No. A-63739/WS

Applicant: CRAWFORD and LINDENSTRUTER JCB

Serial No. 08/795,592

For: A&M FOR MANAGING DIGITAL RESOURCES  
TOKENS ASSOCIATED WITH DIGITAL RESOURCES

Sir:

Please acknowledge receipt of the enclosed  
Transmittal; MP Notice; Petition for EOT; Decl by Crawford;  
Assignment w/Recordation sheet by Crawford; POA by Assignee; Decl  
of Sm Entity; 1.47(a) Petition; 1.47(a) decl by Galliani; 1.47(a)  
by imprinting the Patent Office "date stamp" hereon and returning  
to the addressee indicated on the reverse. Decl by Crawford; checks  
for 860 and 130.

Due: 7/2/97

Express Mail

Certificate

of Mailing: 11/3/97

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